

Title	Juvenile Dependency: <i>Modification Petition Attachment</i> (amend form JV-180).
Summary	The proposed amendments to Form JV-180 clarify the juvenile court's orders and findings related to a Welfare and Institutions Code section 388 modification by including additional details in the "findings and orders" section of the form.
Source	Family and Juvenile Law Advisory Committee
Staff	Audrey Evje, Attorney, 415-865-7706
Discussion	<p>In juvenile dependency matters, form JV-180 must be used to request modifications of prior orders pursuant to Welfare and Institutions Code section 388—specifically to change, modify, or set aside any order of court previously made or to terminate the jurisdiction of the court. These findings and orders are found on form JV-180 at items 11–14. The Family and Juvenile Law Advisory Committee proposes that items 11–14 be reorganized into three items, 11–13, and amended to include additional details that improve the form's clarity. For example, the proposed form includes details about the hearing, if one is being set, and about the reason the petition is being denied. These changes are not mandated by legislation but are proposed in response to requests from juvenile courts. The proposed amendments are modeled on a form developed by the Los Angeles County Juvenile Court.</p>

CASE NAME: 	CASE NUMBER:
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MODIFICATION PETITION ATTACHMENT
Welfare and Institutions Code, § 388

1. The child is ☐ a dependent of the court under Welfare and Institutions Code section 300; or ☐ the subject of a petition that has been filed in this court under section 300, and detained under section ☐ a former dependent of the court and currently the ward of a legal guardian appointed by the Juvenile Court of _____ County.

2. Petitioner is the
 - a. ☐ mother
 - b. ☐ father
 - c. ☐ child
 - d. ☐ guardian
 - e. ☐ social worker
 - f. ☐ court-appointed special advocate
 - g. ☐ representative of Indian child's tribe
 - h. ☐ other (*state interest or relationship to child*):

3. On (*date*): _____, this court made the following orders concerning the child, which petitioner seeks to modify (*state the general nature of the order sought to be modified*):

4. Petitioner alleges the following changes of circumstances or new evidence regarding the child (*describe changes concisely, and number 1, 2, etc.*):

5. Petitioner requests the following modifications of prior orders as being in the child's best interest because (*specify*):

☐ See attachment 5.

6. The requested modifications are (*specify*):

7. Petitioner has notified the following parties and attorneys of the requested modification (*state names of persons notified and relationship to the child or the case*):

☐ See attachment 7.

8. ☐ All parties and attorneys agree to the proposed modification and petitioner requests the petition be granted without a hearing.

9. ☐ The proposed modification is opposed (*state names of persons opposing and reasons, if known*):

10. ☐ Petitioner requests that the court order a hearing on the petition within 30 calendar days and cause notice to be given to persons prescribed by law.

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The court has reviewed the petition and any attachments and has liberally construed the petition and assumed facts alleged to be true.

THE COURT FINDS AND ORDERS

11. The petition is agreed to by all parties and attorneys of record. The petition to modify orders is granted:

- a. ☐ as requested in item 5.
- b. ☐ as follows (*state specific modifications*):

12. ☐ The petition states prima facie evidence of a change of circumstances or new evidence and that the best interest of the child may be promoted by the proposed modifications.
 The matter is set for hearing on (*date*): _____ at (*time*): _____ a.m./p.m.
 The hearing will be conducted by review of declarations and other documentary evidence only, under rule 1432 of the California Rules of Court. No testimony will be received unless good cause is shown for the necessity of specific testimony. Offers of proof will be required.

13. The petition is denied because:

- a. ☐ The petition is not verified.
- b. ☐ The petition fails to state facts to support the allegations.
- c. ☐ The petition fails to state new evidence or change of circumstances.
- d. ☐ The petition fails to show how the requested modification will promote the best interests of the child.
- e. ☐ Other (*state specific reasons*):

Date:



JUDICIAL OFFICER OF THE JUVENILE COURT

Petitions; modification of order; termination of jurisdiction; siblings

(a) Any parent or other person having an interest in a child who is a dependent child of the juvenile court or the child himself or herself through a properly appointed guardian may, upon grounds of change of circumstance or new evidence, petition the court in the same action in which the child was found to be a dependent child of the juvenile court or in which a guardianship was ordered pursuant to Section 360 for a hearing to change, modify, or set aside any order of court previously made or to terminate the jurisdiction of the court. The petition shall be verified and, if made by a person other than the child, shall state the petitioner's relationship to or interest in the child and shall set forth in concise language any change of circumstance or new evidence which are alleged to require the change of order or termination of jurisdiction.

(b) Any person, including a child who is a dependent of the juvenile court, may petition the court to assert a relationship as a sibling related by blood, adoption, or affinity through a common legal or biological parent to a child who is, or is the subject of a petition for adjudication as, a dependent of the juvenile court, and may request visitation with the dependent child, placement with or near the dependent child, or consideration when determining or implementing a case plan or permanent plan for the dependent child or make any other request for an order which may be shown to be in the best interest of the dependent child. The court may appoint a guardian ad litem to file the petition for the dependent child asserting the sibling relationship if the court determines that the appointment is necessary for the best interests of the dependent child. The petition shall be verified and shall set forth the following:

- (1) Through which parent he or she is related to the dependent child.
 - (2) Whether he or she is related to the dependent child by blood, adoption, or affinity.
 - (3) The request or order that the petitioner is seeking.
 - (4) Why that request or order is in the best interest of the dependent child.
- (c) If it appears that the best interests of the child may be promoted by the proposed change of order, recognition of a sibling relationship, or termination of jurisdiction, the court shall order that a hearing be held and shall give prior notice, or cause prior notice to be given, to the persons and by the means prescribed by Section 386, and, in those instances in which the means of giving notice is not prescribed by those sections, then by means the court prescribes.

CREDIT(S):

1998 Main Volume (Added by Stats.1976, c. 1068, p. 4778, § 12. Amended by Stats.1994, c. 900 (S.B.1407), § 4.)